

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Jason Alan Hertzog, #146837,)
Plaintiff,) Civil Action No. 8:05-0944-MBS-BHH
vs.)
Horry County; Tom Fox, Director;)
Horry County Detention Center; and)
Debbie Hipp, LPN, Horry County)
Detention Center,)
Defendants.)

)

O R D E R

This matter is before the court on the amended motion of defendant Debbie Hipp to obtain the plaintiff's medical records. In his complaint, the plaintiff, a detainee at the J. Reuben Long Detention Center ("Detention Center") in Conway, South Carolina, who is proceeding *pro se*, seeks relief pursuant to Title 42, United States Code, Section 1983. He alleges deliberate indifference to a serious medical need.

In her original motion, defendant Hipp failed to give any indication from whom the medical records were sought or the time period covered, nor was there any mention of the Health Insurance Portability and Accountability Act ("HIPAA") and its requirements. See 45 CFR §164.512. Accordingly, by order filed June 20, 2005, this court denied the motion. On July 29, 2005, defendant Hipp filed her amended motion, this time including as an exhibit the HIPAA notice sent to the plaintiff on April 21, 2005. According to the notice, Hipp seeks the plaintiff's medical records from the J. Reuben Long Detention Center, where the plaintiff is currently being held and where he claims the constitutional violations occurred. Again, there is no indication in the motion of the time period covered by request. It appears from the complaint that the relevant time period is from August 23, 2004, to the present

date. The plaintiff filed an objection to the motion on August 15, 2005. However, as noted by defendant Hipp, the plaintiff requested these same documents in his request for production of documents filed June 24, 2005.¹ Based upon the foregoing, defendant Hipp's motion for the release of the plaintiff's medical records from the Detention Center for the time period beginning August 23, 2004, and continuing through the date of compliance by the detention center, is granted.

Based upon her request for the plaintiff's medical records, defendant Hipp has also moved for an extension of 45 days within which to file dispositive motions. This motion is also granted.

Now, therefore, based upon the foregoing,

IT IS ORDERED that defendant Hipp's motion to obtain the plaintiff's medical records from the J. Reuben Long Detention Center is granted. Hipp's counsel is directed to provide a copy of this order to the Detention Center upon receipt, and the Detention Center is directed to supply the requested records to Hipp's counsel no later than September 21, 2005.

IT IS FURTHER ORDERED that defendant Hipp's motion for extension of time is granted. Defendant Hipp shall file her dispositive motion no later than October 17, 2005.

IT IS SO ORDERED.

s/Bruce H. Hendricks
United States Magistrate Judge

August 29, 2005

Greenville, South Carolina

¹The plaintiff is reminded that discovery requests are to be served on opposing counsel and are not to be filed with the court. See Local Civil Rule 5.01 DSC.